

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

11 SOLOMON ABATE, ) Case No. 5:14-cv-03600-EJD  
12 v. Plaintiff, ) **ORDER GRANTING MOTION TO**  
13 DELTA AIR LINES, INC., ) **COMPEL AND MOTION FOR**  
14 Defendant. ) **SANCTIONS**  
15 \_\_\_\_\_) **(Re: Docket Nos. 32, 33)**

16 Defendant Delta Air Lines, Inc. moves to compel Plaintiff Solomon Abate to provide  
17 complete responses to Delta's requests for production of documents. Delta also moves for  
18 sanctions in the form of \$4,820 in attorneys' fees it incurred in filing the motion to compel. Abate  
19 did not oppose either motion; nor did Abate appear for today's hearing on them. In light of  
20 plaintiff's failure to produce discovery, file any oppositions or appear for the hearing, the court  
21 GRANTS both of Delta's motions.<sup>1</sup>

22  
23  
24  
25  
26 \_\_\_\_\_  
27 <sup>1</sup> If a motion to compel is granted, the prevailing party may recover expenses, including attorneys'  
28 fees, unless "the opposing party's nondisclosure, response, or objection was substantially justified"  
or "other circumstances make an award of expenses unjust." Fed. R. Civ. P. 37(a)(5). The court  
declines to award any additional fees for counsel's appearance at today's hearing.

**SO ORDERED.**

Dated: September 22, 2015

Paul S. Grewal  
PAUL S. GREWAL  
United States Magistrate Judge

**United States District Court**  
For the Northern District of California